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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,984	05/29/2001	David A. Monroe	081829.000049	7399
7590 03/16/2007 Attn: Robert C. Curfiss BRACEWELL & PATTERSON, L.L.P. P.O. Box 61389 Houston, TX 77208-1389			EXAMINER VO, TUNG T	
			ART UNIT 2621	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/16/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/866,984

Applicant(s)

MONROE, DAVID A.

Examiner

Tung Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 65-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 65-85 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 65-66 and 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US 6,411,207) in view of McCann et al. (US 5,740,037).

Re claims 65, and 71-57, Shaffer discloses a self-contained security and surveillance system (20 of fig. 2) for detecting and processing threat emissions, comprising: a plurality of sensor modules (26a-26n of fig. 2) for detecting threat emission data (col. 1, lines 50-60); a hand-held base (20 of fig. 2, Note portable housing) for individually and interchangeably interfacing with the plurality of sensor modules (col. 3, line 46-col. 5, line 12); a processor (24 of fig. 2) for receiving and processing the threat emission data; and a communication link (50 of fig. 2, col. 5, lines 33-41) for transmitting received and processed threat emission data to a base station (col. 5, lines 33-41) wherein the processor is structured and arranged to receive and process at least one form of threat emission data, the data provided in the form of, chemical, and electromagnetic threat emission data, or combinations thereof (col. 4, lines 18-63); and a display screen (32 of fig. 2); wherein the base station is remotely located (col. 3, lines 37-41); wherein

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the communication link is selected from a group consisting of a wireless link and a wired link (col. 5, lines 35-41).

It is noted that Shaffer does not particularly disclose the form of nuclear and biological; a remote image transceiver; a global positioning system; and a view finder as specified in claims 65, 72-23, 75, and 82.

However, Shaffer suggests that more sensors would be added to the sensor (26e ... 26n of fig. 2) and modifications would be made (col. 5, lines 49-56), so this is evidence to one skilled in the art to modify any conventional and suitable devices to the self-contained security and surveillance system of Shaffer.

McCann teaches the form of nuclear and biological (col. 7, lines 2-7; Note the LW system 180 inserts pictographs (not shown) in this space 807 to warn the soldier of neurological, biological, or chemical ("NBC") threats, imminent system failure, or other critical conditions. Unit leaders may also insert emergency text messages (not shown) in this area 807 to be viewed by the individual soldier); a remote image transceiver (640B and 640C of fig. 2); a global positioning system (640 C of fig. 2); and a view finder (col. 6, lines 56-59); and a laser range finder (530 of fig. 2, Note the laser range finder/digital compass assembly).

Therefore, taking the teachings of Shaffer and McCann as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of McCann into the self-contained security and surveillance system of Shaffer in order to providing advance notice or warning, which is a visual message displayed on the display or an audible speech message, to the user of a possible threat.

Re claim 66, Shaffer further teaches wherein at least one sensor module of the plurality of sensor modules is selected from the group consisting of: a visual light sensor module; a high performance night module; a forward looking infrared sensor module; a radio frequency (RF) probe module; an integrated nuclear, biological and chemical sensor module; and a laser range finder module (26a-26n of fig. 2). See MPEP, 803.02 [R-3] Markush Claims; 2173.05(h) **Alternative Limitations, I. MARKUSH GROUPS.**

3. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US 6,411,207) in view of McCann et al. (US 5,740,037) as applied to claim 65-66, and further in view of Warner (US 6,255,650).

Re claim 67, the combination of Shaffer and McCann does not particularly disclose wherein the forward looking infrared sensor module is un-cooled as claimed.

However, Warner teaches the forward looking infrared sensor module is un-cooled (18 and 20 of fig. 3).

Therefore, taking the teachings of Shaffer, McCann, and Warner as whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Warner into the combined system of Shaffer and McCann in order to miniaturizing IR imaging systems to render them more self-contained, portable, low-cost, etc., and results in a significant utility improvement.

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4. Claims 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US 6,411,207) in view of McCann et al. (US 5,740,037) as applied to claim 65-66, and further in view of Wooton et al. (US 5,332,176).

Re claims 68-70, the combination of Shaffer and McCann does not particularly teach wherein the forward looking infrared sensor module is a near-infrared module; a mid-wave infrared module; a long-wave infrared module as claimed.

However, Wooton teaches the forward looking infrared sensor module is a near-infrared module; a mid-wave infrared module; a long-wave infrared module (col. 1, lines 35-48). Therefore, taking the teachings of Shaffer, McCann, and Wooton as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Wooton into the combined system of Shaffer and McCann in order to archive high frequency operation in a sensor and reduce the system cost.

5. Claims 65 and 76-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US 6,411,207) in view of McCann et al. (US 5,740,037) in further in view of Kelly (US 5,986,803).

Re claims 65, 76-77, and 79-85, Shaffer discloses a self-contained security and surveillance system (20 of fig. 2) for detecting and processing threat emissions, comprising: a plurality of sensor modules (26a-26n of fig. 2) for detecting threat emission data (col. 1, lines 50-60); a hand-held base (20 of fig. 2, Note portable housing) for individually and interchangeably interfacing with the plurality of sensor modules (col. 3, line 46-col. 5, line 12); a processor (24 of fig. 2) for receiving and processing the threat emission data; and a communication link (50 of fig.

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2, col. 5, lines 33-41) for transmitting received and processed threat emission data to a base station (col. 5, lines 33-41) wherein the processor is structured and arranged to receive and process at least one form of threat emission data, the data provided in the form of, chemical, and electromagnetic threat emission data, or combinations thereof (col. 4, lines 18-63); and a display screen (32 of fig. 2); wherein the base station is remotely located (col. 3, lines 37-41); wherein the communication link is selected from a group consisting of a wireless link and a wired link (col. 5, lines 35-41).

It is noted that Shaffer does not particularly disclose the form of nuclear and biological; a laser finder, and a pre-established parameters are selected from a group consisting of: target identification, direction, location, and emission strength as specified in claims 77 and 82-85.

However, Shaffer suggests that more sensors would be added to the sensor (26e ... 26n of fig. 2) and modifications would be made (col. 5, lines 49-56), so this is evidence to one skilled in the art to modify any conventional and suitable devices to the self-contained security and surveillance system of Shaffer.

McCann teaches the form of nuclear and biological (col. 7, lines 2-7; Note the LW system 180 inserts pictographs (not shown) in this space 807 to warn the soldier of neurological, biological, or chemical ("NBC") threats, imminent system failure, or other critical conditions. Unit leaders may also insert emergency text messages (not shown) in this area 807 to be viewed by the individual soldier); a remote image transceiver (640B and 640C of fig. 2); a laser range finder (530 of fig. 2, Note the laser range finder/digital compass assembly); and a pre-established parameters are selected from a group consisting of: target identification, direction, location, and

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emission strength (col. 6, lines 55-60, 640C of fig. 2, Note GPS for detecting location, directions and a target identification).

Therefore, taking the teachings of Shaffer and McCann as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of McCann into the self-contained security and surveillance system of Shaffer in order to providing advance notice or warning, which is a visual message displayed on the display or an audible speech message, to the user of a possible threat.

It is further noted that the combination of Shaffer and McCann does not particularly disclose the detector or sensor removably integrated with the handheld receiving base, and a contained memory subsystem for storing data detected by the plurality of sensor modules as specified in claims 76-77 and 83.

However, Kelly teaches the detector or sensor removably integrated with the handheld receiving base (col. 3, lines 10-20) and a contained memory subsystem for storing data detected by the plurality of sensor modules (122 of fig. 5; Note the video cassette recorder and battery module 122 comprises a compact recorder and player 138 with supporting battery 136 which may be either mounted to a mating interface port). Moreover, Kelly suggests that the various system modules may either be provided with the main system to the user for easy integration, or similarly, a manufacturer may offer integrated systems for specific markets, retaining the ability to change the system only to facilitate manufacturing, in which case such modules may represent individual components responsive to a common system architecture.

Therefore, taking the teachings of Shaffer, McCann, and Kelly as a whole, it would have been obvious to one of ordinary skill in the art to modify the removable detector of Kelly into the



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combined system of Shaffer and McCann in order to provide a portable system having lighter weight, lower cost, and improved utility and compatibility as suggested by Kelly.

Re claim 78, Shaffer further teaches wherein at least one sensor module of the plurality of sensor modules is selected from the group consisting of: a visual light sensor module; a high performance night module; a forward looking infrared sensor module; a radio frequency (RF) probe module; an integrated nuclear, biological and chemical sensor module; and a laser range finder module (26a-26n of fig. 2). See MPEP, 803.02 [R-3] Markush Claims; 2173.05(h) **Alternative Limitations, I. MARKUSH GROUPS.**

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tung Vo  
Primary Examiner  
Art Unit 2621